

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEVEN DIONNE SCOTT,

Plaintiff/Appellant,

v.

Case No. 14-cv-864-pp
USCA Case No. 18-1272

JAMES RICHTER, *et al.*,

Defendants/Appellees.

**ORDER GRANTING APPELLANT'S REQUEST TO USE RELEASE ACCOUNT
TO PAY THE INITIAL PARTIAL FILING FEE (DKT. NO. 108)**

The appellant has filed a motion, asking the court to allow him to pay the \$22.28 initial partial filing fee for his appeal out of his release account. Dkt. No. 108.

A prisoner may use his release account to satisfy an initial partial payment "if no other funds are available." Robinson v. Tegels, No. 13-CV-198-WMC, 2013 WL 1192485, at *1 (W.D. Wis. Mar. 22, 2013)(citing Carter v. Bennett, 399 F. Supp. 2d 936, 936-37 (W.D.Wis.2005). Indeed, "if a petitioner does not have sufficient funds in his regular account to pay the full amount of the initial partial payment assessed to him, then prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account fund." Carter, 399 F. Supp. at 937.

The appellant's trust fund activity statement shows an end balance of \$0.69. Dkt. No. 105. This is not sufficient to allow the appellant to pay the initial partial filing fee.

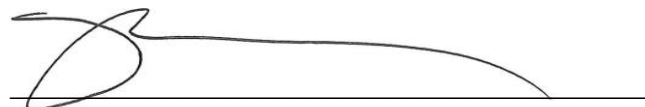
The court **GRANTS** the appellant's request to use his release account to pay the initial partial filing fee for his appeal. Dkt. No. 108.

The court **ORDERS** the agency having custody of the appellant to collect **\$22.28** from the appellant's accounts, and forward that sum to the Clerk of Court as an initial partial payment for his appeal. The court **ORDERS** that the agency first shall draw funds from the appellant's regular trust account, and when no other funds are available in that account, shall draw the remaining balance from the appellant's release account. The agency shall send the payment to the clerk of court by **June 8, 2018**.

The court will send a copy of this order to the agency having custody of the appellant.

Dated in Milwaukee, Wisconsin this 15th day of May, 2018.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge